

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

Plaintiff,

-and-

VULCAN SOCIETY, INC., for itself and on behalf of its members; MARCUS HAYWOOD, CANDIDO NUNEZ, and ROGER GREGG, individually and on behalf of a class of all others similarly situated,

**DECLARATION  
OF  
MICHAEL A. CARDOZO**

07 CV 2067 (NGG)(RLM)

Plaintiffs-Intervenors,

-against-

CITY OF NEW YORK; THE FIRE DEPARTMENT OF THE CITY OF NEW YORK; NEW YORK CITY DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES; MAYOR MICHAEL BLOOMBERG and NEW YORK CITY FIRE COMMISSIONER NICHOLAS SCOPPETTA, in their individual and official capacities,

Defendants.

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**MICHAEL A. CARDOZO** declares, pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury, that the following is true and correct:

1. I am the Corporation Counsel of the City of New York, attorney for defendants, in the above-captioned action. I submit this declaration to place before the Court certain facts and documents referred to in defendants' opposition to Plaintiffs-Intervenors' motion for summary judgment seeking class-wide compensatory damages.

2. Attached hereto as Exhibit "A" is a true and accurate copy of the article: Clark, Cindy and Mark J. Zak, "Fatalities to Law Enforcement Officers and Firefighters, 1992-97" *Compensation and Working Conditions*, Summer 1999.

3. Attached hereto as Exhibit "B" is a true and accurate copy of: Table SNR02 Highest Incidence Rates of Nonfatal Occupational Injury and Illness Cases with Days Away From Work, Restricted Work Activity or Job Transfer, 2008 (<http://www.bls.gov/iff/oshwe/osh/os/ostb2060.txt>).

4. Attached hereto as Exhibit "C" is a true and accurate copy of the article: Milen, David, "The Ability of Firefighting Personnel to Cope with Stress, *Journal of Social Change*, 3,38-56 (Walden University 2009).

5. Attached hereto as Exhibit "D" is a true and accurate copy of the press release: Press Release – *Behind the Brotherhood: Rewards and Challenges for Wives of Firefighters*.

6. Attached hereto as Exhibit "E" is a true and accurate copy of the book review: Book Review: Kirschman, Ellen, Ph.D., *I Love a Fire Firefighter: What the Family Needs to Know.*"

7. Attached hereto as Exhibit "F" is a true and accurate copy of the Declaration of Dr. Christopher Erath, dated October 29, 2010, which also contains a copy of his March 12, 1010 expert report as Exhibit "1" thereto.

8. Attached hereto as Exhibit "G" is a true and accurate copy of pages 136 to 154 from the transcript of Dr. Siskin's January 28, 2010 deposition.

9. Attached hereto as Exhibit "H" is a true and accurate copy of the list of 146 candidates who were not hired by the FDNY, which was created by the Plaintiff (bates stamped USA-007426 to USA-007429). The list identifies 11 people as NYPD employees. Of theses eight are identified as Police officers, one is identified as a 911 Technician and two do not have a stated type of employment.

I declare, pursuant to 28 U.S.C. § 1746 and subject to the penalties of perjury, that the foregoing is true and correct:

Dated: New York, New York  
October 29, 2010

  
MICHAEL A. CARDOZO